

Re: Kenai and Little Su 

Jill Gable to: Gilder, Cindy J (DEC)

11/07/2012 04:48 PM

Cc: "Grant, Drew (DEC)", "Bonnet, Michelle M (DEC)", "Sonafrank, Nancy B (DEC)",
"Morgan, Sharon R (DEC)", David Croxton

Hi Cindy,

I think that gets at it. I checked with Dave and we think taking back a final submittal, going back out for public notice and resubmitting is possible, but I still need to check with our attorney. I am out the rest of the week and she is out next week, but I'll get you an answer as soon as possible.

Since we currently have two list submittals in from other states, those have taken priority for review, so I have not had a chance to look at the data yet myself. I will be getting someone from the Office of Environmental Assessment to review it and make recommendations.

While we don't necessarily have the "elevation" process you described, we have, in our comments, indicated that we have concerns about the exclusion of the Little Su and the Kenai from the list, giving you an opportunity to discuss those concerns, and potentially take action regarding them, prior to your final submittal. While we are not in a position to tell you what final action we would take prior to having received a final submission, I am more than happy to brief my director, Dan Opalski, on the situation so that he is prepared to have a conversation with DEC about these issues. I am trying to get on his calendar for early next week. Dave is aware of the conversation we just had, and has been copied above.

As I said, I am out the rest of the week, but will be available to answer any additional questions you may have when I return next Tues. Have a good weekend.

jill

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"Gilder, Cindy J (DEC)"

Michelle - I spoke to Jill about Kenai and th...

11/07/2012 04:21:58 PM

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Subject: Kenai and Little Su

Michelle –

I spoke to Jill about Kenai and the Little Susitna River verbally telling her what our response to comments would be and asking her what EPA is going to do. The short answer is that they cannot say until we submit the list. Jill is checking whether or not they can give us an opportunity to go out to public notice again IF they determine the waters should be listed.

I explained to Jill that you are familiar with an elevation process in the permitting program. She said

nothing like this exists in the listing process. She did point out on the comments EPA submitted on the Little Susitna River, "the Little Susitna has not been listed despite an abundance of data indicating impairments."

I have taken the liberty to copy Jill on this e-mail to make sure I am accurately transmitting what she is telling me. I imagine if Sharon wants to follow up with Dave on the differences in how the program operates, that would be fine.

Jill does plan on getting back to me on whether or not there is an opportunity for us to go out to public notice prior to EPA action (after a final submittal). I still plan on sharing the technical issues Tim is grappling with in looking at the data.

Cindy J. Gilder
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